

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

FILED
IN CLERKS OFFICE

2004 MAY 27 PM 4:50

U.S. DISTRICT COURT
DISTRICT OF MASS.

UNITED STATES OF AMERICA)
)
 v.)
)
 DARREN FRANKLIN, a/k/a "D",)
)
 Defendant.)

CRIMINAL NO. 04-10117-RWZ: 50

SUPERSEDING INFORMATION

Pursuant to Title 21, United States Code, Section 851(a), the United States Attorney, by Assistant United States Attorney Patrick M. Hamilton, hereby files this information stating that the government will rely on one or more drug convictions as the basis for a sentencing enhancement with respect to Counts One through Four of the Superseding Indictment.

In particular, the government will rely on one or the other or both of the following convictions:

an August 24, 1994 conviction in Suffolk Superior Court, Docket Number SUCR1994-11305, for cocaine distribution, in violation of M.G.L. c. 94C, Section 32A(c); and

an August 24, 1994 conviction in Suffolk Superior Court, Docket Number SUCR1993-12123, for cocaine distribution, in violation of M.G.L. c. 94C, Section 32A(c).

Because Count Four involves fifty (50) grams or more of a mixture or substance containing cocaine base (also known as "crack"), the government submits that the defendant is subject upon conviction on this count to a mandatory minimum period of incarceration for life, a fine of up to eight million dollars and supervised release for a minimum of ten (10) years up to a maximum

of life following any period of incarceration, pursuant to 21 U.S.C. § 841(b)(1)(A)(iii).

Because Count One involves five (5) grams or more of a mixture or substance containing cocaine base (also known as "crack"), the government submits that the defendant is subject upon conviction on this count to a maximum sentence of imprisonment for life, a mandatory minimum period of incarceration for ten (10) years, a fine of up to eight million dollars and supervised release for at least sixteen (16) years and for a maximum of life following any period of incarceration, pursuant to 21 U.S.C. §§ 841(b)(1)(B)(iii) and 860(a).

Because Count Three involves five (5) grams or more of a mixture or substance containing cocaine base (also known as "crack"), the government submits that the defendant is subject upon conviction on this count to a maximum sentence of imprisonment for life, a mandatory minimum period of incarceration for ten (10) years, a fine of up to four million dollars and supervised release for at least eight (8) years and for a maximum of life following any period of incarceration, pursuant to 21 U.S.C. § 841(b)(1)(B)(iii).

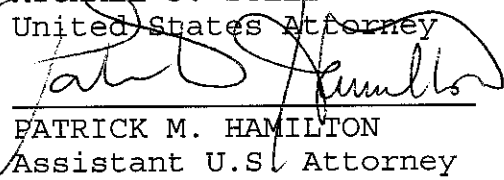
Because Count Two involves less than five (5) grams or more of a mixture or substance containing cocaine base (also known as "crack"), the government submits that the defendant is subject upon conviction on this count to a maximum sentence of imprisonment for

up to sixty (60) years, a mandatory minimum period of incarceration for one (1) year, a fine of up to four million dollars and supervised release for at least twelve (12) years and for a maximum of life following any period of incarceration, pursuant to 21 U.S.C. §§ 841(b)(1)(C) and 860(a).

Respectfully submitted,

MICHAEL J. SULLIVAN
United States Attorney

By:

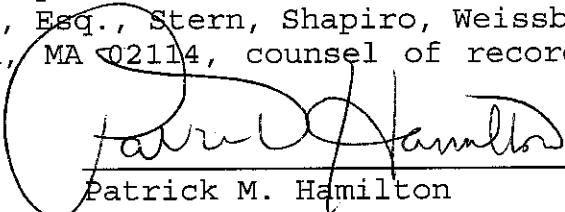

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Date: May 27, 2004

CERTIFICATE OF SERVICE

I, Patrick M. Hamilton, do hereby certify that a copy of the foregoing was served this date by first-class mail upon Jonathan Shapiro, Esq., Jonathan Shapiro, Esq., Stern, Shapiro, Weissberg & Garin, 90 Canal Street, Boston, MA 02114, counsel of record for Darren Franklin.

Date: May 27, 2004


Patrick M. Hamilton